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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/654,100	09/03/2003	Thomas P. Kasting	1104-765	4885

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EXAMINER

NGO, LIEN M

ART UNIT	PAPER NUMBER
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3754

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

6

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/654,100	KASTING, THOMAS P.	
	<b>Examiner</b>	<b>Art Unit</b>	
	LIEN TM NGO	3754	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 11, 17-22, 24, 30 and 31 is/are rejected.
- 7) ☒ Claim(s) 9, 10, 12-16, 23 and 25-29 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1 and 2</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3-8, 11, 18,19, 21, 22, 24 and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Lauson et al. (6,913,168). Lauson discloses, in figs.1-8, a fluid dispensing system comprising a closure assembly 16 having a fluid supplying tube 22, a shut-off valve threadedly coupled to the supply tube, a cap assembly 14 coupled to the closure assembly having a connector 60, and wherein the cap assembly is coupled to the shut-off valve to rotated the shut-off valve in an opening and closed positions. The shut-off valve includes key member 35, and the cap assembly includes keyways 46 and a sealing inner member 48. The cap assembly can be considered as a transit cap for preventing rotation of the shut-off valve when cam-followers 52 on the cap engage the locking pin 30 of the closure assembly to prevent the valve from opening.

3. Claims 1, 3-8, 11, 18, 19- 22, 24 and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Herald et al. (6,341,721). Herald discloses, in figs.1-7, a fluid dispensing system comprising a closure assembly 20 having a fluid supplying tube 50, a

shut-off valve 40 threadedly coupled to the supply tube, a cap assembly 30 coupled to the closure assembly having a connector (see col. 4, lines 10-14), and wherein the cap assembly is coupled to the shut-off valve to rotate the shut-off valve in an opening and closed positions. The shut-off valve includes key member 44, and the cap assembly includes keyways 72 and a sealing inner member 74. The cap assembly can be considered as a transit cap for preventing rotation of the shut-off valve when teeth 110 of the cap engage teeth 100 of the closure assembly to prevent the valve from opening.

4. Claims 24 and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Knickerbocker et al. (5,040,702). Knickerbocker discloses, in figs. 8 and 9, a fluid dispensing kit comprising a closure assembly 45 having a shut-off valve, and a transit cap 55 for preventing the rotation of the shut-off valve. The transit cap comprises a flexible bail 54 for aiding in the removal of the transit cap.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lauson et al. or Herald in view of Laible (5,988,456).

Laible teaches, in fig. 3, a cap having a check valve and a closure having an air vent.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the invention of Lauson or Herald with a check valve in the cap assembly and an air vent in the closure assembly, as taught by Laible, in order to minimize fluid leakage and facilitate of flowing of the fluid when the valve in the open position.

***Allowable Subject Matter***

7. Claims 9, 10, 12-16, 23 and 25-29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LIEN TM NGO whose telephone number is 571-272-4545. The examiner can normally be reached on Monday through Friday from 8:30 AM -6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MICHAEL MAR can be reached on 571-272-4906. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LIEN TM NGO  
Primary Examiner  
Art Unit 3754

December 12, 2005

